

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.941 OF 2025**

Vimal S/o Shankar Date	...Applicant
<i>Versus</i>	
State of Maharashtra and Anr.	...Respondents

Mr. Aditya Rai a/w Vayukumar Tiwari and Mayur Sosa i/by
Abhay Bhoir, *for the Applicant.*
Ms. Shraddha Pawar, *appointed Advocate for the Respondent*
No.2 through legal aid.
Mr.Kiran C. Shinde, *APP for the Respondent – State.*
PSI – Govind Chavan, Badlapur (E) Police Station, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 22ND SEPTEMBER 2025

PC:-

1. By this Application, the Applicant seeks her enlargement on bail in connection with C.R.No.79 of 2023 dated 15.03.2023 registered with the Badlapur (E) Police Station, for the offences punishable under Sections 366, 376 (n), 370, 506 read with Section 34 of the Indian Penal Code, 1860 (for short the 'IPC').

2. It is the case of the prosecution that the victim aged 30 years was living in Mumbai with her family. On 18th February, 2023 on 09:30 in the morning, the Applicant, the maternal aunt of the complainant, aged 60 years of age promised the victim / complainant that she will procure a job for her in Gujrat and that she should accompany her without informing her mother. Accordingly, the victim / complainant accompanied the Applicant to Gujrat where she was married off to the Accused No.2. It is also the allegation of the prosecution that an amount of Rs.2,00,000/- was given by the Accused No.2 to the Accused No.1 as consideration for solemnizing the said marriage. Thereafter, the victim / complainant was ill-treated by the Accused No.2's family members and hence she returned to the Applicant's house and from there came to Mumbai. It is thus, the allegation of the prosecution that Applicant sold the victim / complainant to the Accused No.2 for an amount of Rs.2,00,000/- as consideration for marriage. On returning to Mumbai, the

complainant lodged the complaint and the FIR came to be registered.

3. The Applicant made an Application seeking bail before the trial Court. However, by order dated 15th June, 2023, her Bail Application was rejected. Hence, the Applicant has filed present Bail Application for the reliefs as prayed.

4. At the very outset, Mr.Aditya Rai, learned counsel for the Applicant has tendered an order dated 30th April, 2025, passed by the Additional Sessions Judge, Kalyan granting bail to the Accused No.2. The same is taken on record. From the order it is evident that Accused No.2 who is the person to whom the Applicant got the victim / complainant got married for consideration is granted bail.

5. Secondly, Mr.Rai also pointed to the statement of victim / complainant, wherein the complainant has stated that although she did not like Accused No.2, her aunt i.e. the Applicant forced her to marry him. The complainant however,

states that when Accused No.2's family did not treat her property, she returned to her aunt's house and thereafter came to Mumbai. Mr.Rai further submits that the Applicant was arrested on 15th March, 2023 and although the charge-sheet has been filed in May, 2023, till date charges are not framed. He thus, prays that Applicant be released on bail.

6. Per contra, Mr.Kiran Shinde, the learned APP has brought to my attention the statement of sister-in-law of Accused No.2 wherein it is stated that the Accused No.2 himself told her that he had paid Rs.1,50,000/- to the victim / complainant's aunt for the purpose of marrying the victim / complainant. Learned APP also states that there are other statements of witnesses which are consistent with the statement of the sister-in-law of the Accused No.2. He points to the statement of the complainant recorded under Section 164 of the Cr.PC, which is also consistent with her complaint. In these circumstances, he states that an offence is clearly made out and resists the bail application.

7. Ms.Shraddha Pawar, learned appointed Advocate also supports the arguments made by the Mr.Shinde.

8. I have heard learned counsel for the respective parties and perused the papers with their assistance.

9. Admittedly, the co-accused namely the person who allegedly paid Rs.1,50,000/- to the Applicant herein for the purpose of getting married to the victim / complainant is already enlarged on bail.

10. It is apparent from the statement of complainant that she is 30 years of age. She is an adult and she herself accompanied her aunt to Gujrat, *albeit* under the pretext of getting a job.

11. The Applicant is senior citizen aged 60 years. She is in custody from 15th March, 2025 and till date charges are not framed. It is unlikely that trial will conclude in the foreseeable future and no purpose will be served by

continuing the incarceration of the Applicant. In that view of the matter, I am of the opinion that this is a fit case for grant of bail. Hence, I pass following order:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.1,00,000/ (Rupees One Lakh only) with one or two local sureties in the like amount;
- ii) The Applicant shall not enter the State of Maharashtra, save and except for the purpose of attending the trial Court;
- iii) The Applicant shall attend the trial Court concerned on each and every date unless exempted by the orders of the trial Court concerned;

iv) If the Applicant has not deposited her passport, the Applicant shall deposit the same with the concerned Police Station;

v) The Applicant shall not leave India, without the permission of the trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform her latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

viii) The Applicant to co-operate with the conduct of the trial; and

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

12. Application is allowed in the above terms and is accordingly disposed of.

13. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)